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December 13, 2024

Rachel Geman
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VIA ECF

Hon. Sidney H. Stein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

RE: *The New York Times Company v. Microsoft Corp., et al.*, Case No. 1:23-cv-11195-SHS-OTW (“*New York Times*”); *Authors Guild, et al., v. OpenAI Inc., et al.* Case No. 1:23-cv-08292-SHS-OTW (“*Authors Guild*”)

Dear Judge Stein:

The parties in the above referenced consolidated actions jointly request an extension of the deadlines relating to Defendants’ objections to recently issued discovery orders and Plaintiffs’ responses to those objections.

These discovery orders relate to Magistrate Judge Wang’s November 22, 2024 order in the *New York Times* case, which denied OpenAI’s motion to compel the production of discovery that OpenAI contends is relevant to its fair use defense. *See New York Times* ECF 344. OpenAI filed an objection to that discovery order on December 6, 2024 (ECF 362), and The Times’s deadline to respond to that objection is December 20, 2024. *See* Fed. R. Civ. P. 72(a); Local Rule 72.1(b).

On December 2, 2024, Magistrate Judge Wang denied five other motions filed by OpenAI and Microsoft in the *New York Times* case, “for the reasons stated in ECF 344.” *See* ECF 351, 352, 353, 354, 355. Also on December 2, 2024, Magistrate Judge Wang denied two motions filed by OpenAI and Microsoft in the *Authors Guild* case, “for the reasons identified in ECF 344 in the related [*New York Times*] case.” *Authors Guild* ECF 289, 290. Defendants’ objections to these seven orders are currently due on December 16, 2024. *See* Fed. R. Civ. P. 72(a). Plaintiffs may respond to any objections by December 30, 2024. *See* Local Rule 72.1(b). The Local Rules are silent regarding replies.

Because all eight discovery orders are based on the same reasoning, the parties request a brief extension to align the deadlines for Defendants’ objections and Plaintiffs’

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responses. The parties also seek a brief extension of time in light of counsel's schedules and the holidays. This is the parties' first request for an extension of these deadlines.

The parties jointly request that Your Honor extend the deadlines as follows:

Monday, December 23, 2024: Deadline for Defendants' objections to the orders at *New York Times* ECF 351, 352, 353, 354, and 355 and *Authors Guild* ECF 289 and 290.

Friday, January 17, 2025: Deadline for The Times to respond to OpenAI's objection filed at ECF 362, as well as Plaintiffs' deadlines to respond to any additional objections that Defendants file to the discovery orders issued at *New York Times* ECF 351, 352, 353, 354, and 355, and *Authors Guild* ECF 289 and 290.

Monday, January 27, 2025: Deadline for Defendants to file any reply briefs in support of their objections to the orders at *New York Times* ECF 344, 351, 352, 353, 354, and 355 and *Authors Guild* ECF 289 and 290.

Respectfully submitted,

/s/ Rachel Geman
Rachel Geman
Lief Cabraser Heimann & Bernstein, L.L.P.

Counsel for the Authors Guild Plaintiffs

/s/ Ian B. Crosby (with consent)
Ian B. Crosby
Susman Godfrey, L.L.P.

Counsel for Plaintiff The New York Times

/s/ Andrew Dawson (with consent)
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/s/ Laura Najemy (with consent)

Laura Najemy
Orrick, Herrington & Sutcliffe LLP

Counsel for Defendant Microsoft

cc: All Counsel of Record (via ECF)
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The request for an extension of the deadlines as set forth above is granted. This endorsed letter shall be filed in 23-cv-8292 and 23-cv-11195.

**Dated: New York, New York
December 13, 2024**

SO ORDERED:

A handwritten signature in black ink, appearing to read "Sidney H. Stein", is written over a horizontal line.

Sidney H. Stein, U.S.D.J.